

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WYETH,)
)
Plaintiff,)
)
v.) C.A. No. 08-317 (JJF)
)
SANDOZ, INC.)
)
Defendant.)

**PLAINTIFF WYETH'S ANSWER TO
DEFENDANT SANDOZ, INC.'S COUNTERCLAIMS**

Plaintiff Wyeth, by its attorneys, in answer to the Counterclaims of Sandoz, Inc. ("Sandoz"), states as follows:

1. Wyeth admits, on information and belief, the allegations of Paragraph 1.
2. Wyeth admits the allegations of Paragraph 2.
3. Paragraph 3 contains a conclusion of law as to which no response is required.
4. Paragraph 4 contains a conclusion of law as to which no response is required.
5. Paragraph 5 contains a conclusion of law as to which no response is required.
6. Wyeth admits that venue is proper.

COUNT I
DECLARATORY JUDGMENT OF NONINFRINGEMENT OF THE '814 PATENT

7. Wyeth incorporates by reference its above-stated responses to Paragraphs 1-6.

8. Wyeth admits that Sandoz's counterclaim for declaratory relief purports to be brought pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201, et seq. and 35 U.S.C. §§ 101, et seq.

9. Wyeth denies the allegations of Paragraph 9.

COUNT II
DECLARATORY JUDGMENT OF PATENT INVALIDITY OF THE '814 PATENT

10. Wyeth incorporates by reference its above-stated responses to Paragraphs 1-9.

11. Wyeth denies the allegations of Paragraph 11.

12. Wyeth denies the allegations of Paragraph 12.

PRAYER FOR RELIEF

Wyeth denies that Sandoz is entitled to any of the relief it has requested or to any other relief.

PLAINTIFF'S AFFIRMATIVE DEFENSES

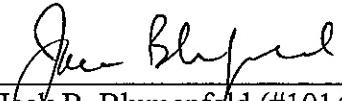
Sandoz's Counterclaims are barred in whole or in part because they fail to state a cause of action upon which relief may be granted.

PLAINTIFF'S PRAYER FOR RELIEF ON DEFENDANT'S COUNTERCLAIMS

WHEREFORE, Plaintiff seeks the following relief:

- A. A judgment dismissing with prejudice Sandoz's Counterclaims;
- B. A finding that this is an exceptional case, and an award of attorneys' fees pursuant to 35 U.S.C. § 285;
- C. An award of costs and expenses of Wyeth in defending these Counterclaims; and
- D. Such further and other relief as this Court determines to be just and proper.

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August 18, 2008

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2008 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to:

George H. Seitz, III, Esquire
SEITZ, VAN OGTROP & GREEN ,P.A.

I further certify that I caused to be served copies of the foregoing document on August 18, 2008 upon the following in the manner indicated:

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*VIA ELECTRONIC MAIL
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